

CHAPTER IX.

An Act to accept the grant, and in execution of the trust made and created in and by an act of Congress, entitled an act making an additional grant of lands to the State of Minnesota, in alternate sections, to aid in the construction of Railroads in said State, approved July 4th, 1866.

March 7, 1867

SECTION 1.—State of Minnesota accepts land grants for the construction of a railroad.

2.—Legislature to regulate rate of freight.

3.—Defines route of road.

4.—When lands shall become property of Company.

5.—When road shall be completed.

6.—Penalty for non-completion.

7.—Time when Company shall accept act.

8.—When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the lands, rights, powers and privileges granted to and conferred upon the State of Minnesota, in and by an act of Congress, entitled an act making an additional grant of lands to the State of Minnesota, in alternate sections, to aid in the construction of railroads in said state, approved July 4th, 1866, be, and the same are hereby accepted upon the terms, conditions and restrictions therein prescribed, so far as the same is applicable, to aid in the construction of a railroad from Hastings through the counties of Dakota, Scott, Carver and McLeod, to such point on the western boundary of the state as the Legislature of the state may determine; and the State of Minnesota assumes and undertakes the trust created in and by said act, and pertaining to said line of road.

Acceptation of grant under certain restrictions.

SEC. 2. All the lands, interests, rights, powers and privileges granted to and conferred upon the State of Minnesota, for the purpose of aiding in the construction of a railroad from Hastings, through the counties of Dakota, Scott, Carver and McLeod, to such a point on the western boundary of the state as the Legislature of the state may determine, are hereby granted to and vested in the "Hastings, Minnesota River and Red River of the North Railroad Company," subject to the provisions hereinafter contained, and of the act of Congress aforesaid. *Provided*, That the said Railroad Company shall, within three years from the passage of this act, build forty miles of said road, of which at least

Right of State vested in Company.

twenty miles shall be built west of the Minnesota river.

Route of road prescribed.

SEC. 3. The Hastings, Minnesota River and Red River of the North Railroad Company is hereby required and it shall construct the said railroad from Hastings to Farmington, in the county of Dakota, Shakopee in the county of Scott, and from thence to Ohaska, Carver and Waconia, in the county of Carver, and thence to Glencoe, in the county of of McLeod aforesaid, to the western boundary of the state, at any point between the point of Big Stone Lake and the third standard parallel.

Duty of Govern^r.

SEC. 4. When said company shall have completed ten continuous miles of said railroad, with the cars running thereon, it shall be the duty of the Governor of this state to certify the fact to the Secretary of the Interior, and so from time to time as often as ten continuous miles of said railroad shall be completed as aforesaid, until said road is entirely finished to the west line of the state, and the lands granted therefor shall become the property of said Hastings, Minnesota River and Red River of the North Railroad Company, in accordance with the act of Congress making an additional grant of lands to the State of Minnesota in alternate sections, to aid in the construction of rail roads in said state, approved July 4th, 1866, heretofore referred to in this act, [and the Governor may execute all necessary conveyances on behalf of the State.]

Limitation of time.

SEC. 5. The said railroad company is hereby required to construct and finish, with the cars running thereon, the entire road to the western boundary of the state, within ten years from the date of the passage of this act.

Penalty for failing to comply.

SEC. 6. If said railroad company shall fail to comply with any of the provisions of this act, it shall forfeit all lands, franchises, rights and powers hereby acquired, except any land that it may have received for any portion of said road, completed by it as required by the provisions of this act.

Company to complete within a certain time.

SEC. 7. The said railroad company shall within thirty days after the passage of this act, accept the same, and such acceptance shall be by resolution adopted by the board of directors of said company, a copy of which resolution duly certified by the secre-

tary of said company, shall be, within the time required herein, filed in the office of the Secretary of State:

Sec. 8. The proviso to section nineteen of an act entitled "an act to amend an act entitled an act to incorporate the Hastings, Minnesota River and Red River Railroad Company," approved March 3d, 1866, be and the same is hereby amended so as to read as follows:

Amendment to original act.

"*Provided*, That said company shall, during the first three years after thirty miles of said road shall be completed and in operation, on or before the first day of March in each and every year, pay into the treasury of the state one per cent. of the gross earnings of said road, the first payment to be made on the first Monday of March next, after thirty miles of the said railroad shall be completed and in operation, and shall during the seven years next ensuing, after the expiration of the three years aforesaid, pay into the treasury of this state, on or before the first Monday in March of each and every year, two per cent. of the gross earnings of said road, and shall, from and after the expiration of ten years from the completion of thirty miles of said railroad, on the first Monday in March of each and every year, pay into the treasury of this state, three per cent. of the gross earnings of said railroad, and the payment of such per centum annually as aforesaid, shall be, and is in full of all taxation and assessment whatever. And for the purpose of ascertaining the gross earnings aforesaid, an accurate account of such earnings shall be kept by said company, an abstract whereof shall be furnished by said company to the treasurer of this state, on or before the first day of February in each year, the truth of which abstract shall be verified by the affidavits of the treasurer and secretary of said company, and for the purpose of ascertaining the truth of such affidavits, and the correctness of such abstract, full power is hereby vested in the Governor of this state, or any other person appointed by law, to examine under oath the officers and employees of said company, or other persons, and, if any person so examined by the Governor or other authorized person, shall knowingly and wilfully swear falsely concerning the matter afore-

Company to keep account of earnings.

State to have a
lien.

said, every such person is declared to have committed perjury. And for securing to the state the payment of the aforesaid per centum, it is hereby declared that the state shall have a lien upon the railroad of the said company, and upon all the property, estate and effects of said company, whether real, personal or mixed, and the lien hereby secured to the state, shall take and have precedence of all demands, decrees and judgments against said company.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 7, 1867.

CHAPTER X.

March 9, 1867

An Act to authorize the Green Bay and Lake Pepin Railroad Company, to construct a bridge across the Mississippi River.

SECTION 1.—Gives power to Company to construct bridge.

2.—Then act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

May build bridge

SECTION 1. The Green Bay and Lake Pepin Railway Company is hereby authorized and empowered to build or construct a bridge at any point near the city of Wabashaw, Wabashaw county, State of Minnesota, across the Mississippi River, for the purpose of crossing the same with a railway track or tracks: *Providing*, Such bridge shall be so constructed with draws that the navigation of the river shall not be unnecessarily incommoded thereby.